DRAFT

MINUTES OF THE REGULAR MEETING AND PUBLIC HEARINGS
OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF ATLANTIC BEACH
65 THE PLAZA, ATLANTIC BEACH, NY 11509

September 14, 2026

CALL TO ORDER 7:30 pm
SALUTE TO THE FLAG
ROLL CALL

Present:	Mayor Barry M. Frohlinger	
	Deputy Mayor Joseph B. Pierantoni	
	Trustee Laura Heller	
	Trustee Douglas C. Garczynski	
	Trustee Andrew M. Bass	
	Village Attorney Ian Connett	
	Treasurer Herbert A. Klibanoff	
	Village Clerk Emily Siniscalchi	
Absent:	Superintendent of Public Works Vincent Amoroso	- excused

Mayor Frohlinger: Good evening everyone. I would like to take a few minutes to do something important to say thank you. Last month, when the August tornado hit, the minutes and hours that followed showed us exactly what the Village of Atlantic Beach is made of.

First, to our first responders, I want to begin with AB Rescue, who were on the ground within minutes
and remained in constant contact with us throughout the night. To the Nassau County Police Department as well, thank you.

Next, I want to recognize the elected officials and government partners who stood with us. At the Federal level, thank you to U.S. Representative Laura Gillen. At the State level, thank you to State Senator Patricia Canzoneri-Fitzpatrick and Assemblyman Ari Brown.

At the County level, thank you to County Executive Bruce Blakeman and Presiding Officer Howard Kopel. And to the Town of Hempstead, thank you to Supervisor John Ferretti. To everyone who reached out asking how they could help us. Thank you.

I also want to take a moment to recognize work that was not directly related to the tornado. Trustee Garczynski and Deputy Mayor Pierantoni spearheaded our 9/11 wreath ceremony last Friday, ensuring that our village paused to honor the victims on that day.

Trustee Garczynski was also the driving force behind the cleanup of Memorial Park, a place where residents can come to remember not just once a year, but whenever they need to.

Trustee Garczynski, Deputy Mayor Pierantoni and Trustee Bass, on behalf of the entire village, thank you.

REPORTS

- A. Police Activity Report – August 2026 - Lt. Surillo
  Report attached

B. Atlantic Beach Rescue Reports – attached - Deputy Chief Anthony Rivelli
Office of Emergency Management Report - Director Anthony Rivelli - attached

C. Parks & Beach Commissioner – Chairman Nat Etrog – attached

D. The Village Garden – Anita Geier - report attached

E. AB Cats – Beth Brenner – nothing to report

F. Beautification Report – Chairperson – Dolores Friedel
Nothing new to report at this time

G. TVASNAC – John Powers - absent

II. PUBLIC WORKS AND BUILDING DEPARTMENT REPORT – Vincent Amoroso
Report attached – read by Trustee Heller

III. CODE ENFORCEMENT REPORT - Vincent Amoroso
Report attached – read by Trustee Heller

IV. TREASURER'S REPORT – Herbert A. Klibanoff
For the month of August 31, 2026
We had $3,344,618.77 total cash available
Capital checking $12,270.01 BZA Escrow $52,655.20
General Fund $3,279,693.56

Trustee Heller made a statement concerning matters relating to 1620 Bay Boulevard. Trustee Heller stated that she and her husband have not filed a lawsuit against the Village and have no plans to do so; that correspondence from their counsel was a document preservation request; that their permit application followed Village procedures; that she considers the question regarding lot coverage calculations resolved; and that she has concerns regarding an anonymous letter mailed to residents bearing the Village office return address. During the statement, Deputy Mayor Pierantoni reminded Trustee Heller that she is recused from that matter.

Following the statement, Deput Mayor Pierantoni stated that Mayor Frohlinger and Trustee Heller are recused from that matter, and that Trustee Heller's comments on that matter would not be part of the minutes and would be stricken from the record. Trustee Heller stated that she had

been asked by residents to clarify information circulating in the Village. Deputy Mayor Pierantoni stated that she may do so, but not from the dais as a member of the Board and reiterated that she is recused from the matter.

At 8:15 PM the Public Hearing for an amendment to the Village code Chapter 115 Filming was called to order

Motion by: Deputy Mayor Pierantoni
Seconded by: Trustee Garczynski
Ayes: Mayor Frohlinger, Deputy Mayor Pierantoni, Trustees Heller, Garczynski, Bass

At 8:20 PM Trustee Garczynski made a motion to close the Public Hearing
Seconded by: Trustee Heller
Ayes: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

NEGATIVE DECLARATION PURSUANT TO NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of a proposed local law 2026-6 amending Chapter 115 of the Code of the Village of Atlantic Beach, to regulate filming within the Village; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of proposed **local law 2026-6** as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

the proposed adoption of **proposed Local Law 2026-6** is an Unlisted Action under SEQRA;
the Board has considered the listed criteria set forth in 6 NYCRR Part 617.7(c), including the reasonably

related long-term, short-term, direct, indirect and cumulative impacts on the environment and the potential significance of a likely consequence on account of the proposed law, and finds that the law would not result in any substantial adverse change or impact on account of each of the items listed in Part 617.7(c), on account of such finding, the proposed action would not have a significant adverse environmental impact, and no further environmental review is required with respect to the proposed action

Motion by:	Deputy Mayor Pierantoni
Seconded by:	Trustee Garczynski
Ayes:	Mayor Frohlinger, Deputy Mayor Pierantoni, Trustees Heller, Garczynski, Bass

Deputy Mayor Pierantoni presented the following:

A Local Law to amend Chapter 115 (Filming) of the Code of the Village of Atlantic Beach

Be it enacted by the Board of Trustees of the Village of Atlantic Beach as follows:

Section 1. Legislative intent. The Board of Trustees finds that filming activity within the Village can offer public benefit and revenue but, if not properly regulated, may disrupt the peace and tranquility of the Village. The existing Chapter 115 contains an internal inconsistency regarding the authority to issue permits, omits commercial still photography from its scope, and does not prescribe an enforceable penalty. This local law amends Chapter 115 in its entirety to resolve those matters, to clarify that permits are administered by a designated Issuing Officer while discretionary determinations remain with the Board of Trustees, to authorize a fee schedule to be established by resolution, and to conform the penalty provision to applicable law.

Section 2. Amendment. Chapter 115 (Filming) of the Code of the Village of Atlantic Beach is hereby amended in its entirety to read as follows:

Chapter 115 — FILMING

§ 115-1 Permit required.

Filming within the Village is prohibited unless a permit therefor has been issued under this chapter. This requirement applies whether the filming occurs on public or private property. The purpose of this chapter is to avoid disruptive or adverse impacts on the peace and tranquility of the Village.

§ 115-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

FILMING — The recording for commercial or business use, on film, video, or other media, including still photography, of motion pictures, commercials, documentaries, advertising and fashion productions such as "lookbook" or catalog shoots, shows, performances, athletic or sports events, or the like, together with the use of persons, vehicles, props, cameras, or any other items, equipment, or materials in connection therewith. Photography or videography by a resident or a resident's guest for personal, noncommercial purposes — including family, wedding, prom, or similar personal images — is exempt and is not included within this definition, even where a professional is engaged for such personal use.

ISSUING OFFICER — The Village Clerk, or such other Village official as the Board of Trustees may designate by resolution, charged with administering this chapter.

VILLAGE PROPERTY — Any land, beach, boardwalk, street, right-of-way, or facility owned or controlled by the Village.

§ 115-3 Application.

A. An application shall be made on the form provided by the Village Clerk no less than five (5) business days before the date on which filming is to commence. An application filed fewer than five business days before that date may be accepted at the discretion of the Issuing Officer, subject to an expedited-review fee established by resolution of the Board.

B. An application shall include:

(1) Name, address, email address, and telephone number of the applicant and of a contact person for the filming;

(2) Name, address, email address, and telephone number of an owner of each property to be used in or for the filming;

(3) The purpose of the filming;

(4) The dates and times of day the filming is proposed to occur;

(5) The signed consent of an owner of each property to be used in or for the filming;

(6) Proof of insurance as required by § 115-10; and

(7) Such other information as the Issuing Officer may reasonably require.

§ 115-4 Private property; no Village endorsement.

The Village does not select, recommend, or endorse any private location for filming. Where filming is proposed on private property, the applicant is solely responsible for obtaining the property owner's consent, and the issuance of a permit confers no right to enter or use any private property.

§ 115-5 Fees, deposits, and incidental costs.

A. Permit fees shall be established, and may be amended from time to time, by resolution of the Board of Trustees. The fee schedule may provide, without limitation, for: a base permit fee; a fee for the use of Village property or public right-of-way, which may be charged on a per-hour or per-day basis; an expedited-review fee; a surcharge for filming during hours otherwise restricted under § 115-8; and a refundable security and cleanup deposit.

B. In addition to any fee, the applicant shall pay the actual cost of the incidental use of any Village personnel, services, or equipment in connection with the filming.

C. Permit fees are nonrefundable, except that any refundable deposit shall be returned to the applicant less the cost of any damage, cleanup, or Village services chargeable to the applicant under this chapter.

§ 115-6 Reduction or waiver of fees.

A. Upon written request setting forth the reason for the request the Board of Trustees and the Issuing Officer may reduce or waive any fee imposed under this chapter.

B. The Issuing Officer may reduce or waive a fee, in whole or in part, where doing so serves a public purpose or reflects the limited Village impact of the filming, in accordance with the standards established by resolution of the Board of Trustees.

C. Any reduction or waiver granted under this section shall be in writing, shall state the ground for it, and shall be filed in the permit record.

D. Nothing in this section shall require the reduction or waiver of any fee.

§ 115-7 Authority to issue; matters reserved to the Board.

A. The Issuing Officer may grant an application, grant it subject to restrictions and conditions, or

deny it. Conditions may be imposed as necessary to avoid creating within the Village a dangerous condition, an unreasonable interference with the use of Village streets or public places, or a nuisance.

B. The following are reserved to the Board of Trustees:

(1) The reduction or waiver of fees to the extent reserved to the Board under § 115-6;

(2) The authorization of any alteration to public property under § 115-9;

(3) The authorization of filming during hours restricted under § 115-8C; and

(4) Appeals from a suspension or revocation under § 115-11.

§ 115-8 Permit restrictions.

A. Every permit shall set forth the dates and specific hours during which filming is permitted.

B. No filming, nor the use of equipment, shall be permitted between the hours of 8:00 p.m. and 8:00 a.m. unless otherwise specifically authorized in the permit.

C. No filming shall be permitted prior to 9:00 a.m. on Saturdays, Sundays, or holidays, unless authorized by the Board of Trustees under § 115-7B.

D. Nothing herein shall prohibit the imposition of such other reasonable limitations or conditions as the Issuing Officer or the Board of Trustees may determine to be necessary.

§ 115-9 Damage or alterations to property.

A permit holder shall be responsible for any damage to public property or facilities resulting from the permit holder's activities. No alterations shall be made at the locations of principal photography — including, without limitation, cutting trees, trimming bushes, painting or modifying any portion of the boardwalk, or removing or relocating sand from the beach — without the express authorization of the Board of Trustees

A Local Law to amend Chapter 115 (Filming) of the Code of the Village of Atlantic Beach (Continued)

§ 115-10 Insurance and indemnification.

- No permit shall be issued until the applicant has filed with the Village Clerk a certificate of insurance evidencing commercial general liability insurance covering personal injury and property damage in an amount not less than $1,000,000 per occurrence and $2,000,000 in the

aggregate and, where motor vehicles are used in connection with the filming, commercial automobile liability insurance. The Board of Trustees may by resolution require higher limits, umbrella or excess coverage, or additional coverages, scaled to the size and scope of the production.

B. Each policy shall name the Village and its officers, employees, and representatives as additional insureds, shall be primary and non-contributory with respect to any insurance or self-insurance maintained by the Village, and shall include a waiver of subrogation in favor of the Village. Coverage shall be maintained for the entire duration of the permitted activity.

C. As a condition of the permit, the applicant shall execute a hold-harmless and indemnification agreement in a form approved by the Village Attorney, under which the applicant, to the fullest extent permitted by law, indemnifies, defends, and holds harmless the Village and its officers, employees, and representatives from and against any claim, loss, liability, damage, cost, or expense, including reasonable attorneys' fees, arising out of or resulting from the filming for which the permit is issued, except to the extent caused by the Village's own negligence.

D. Acceptance by the Village of any certificate or policy that does not conform to this section shall not waive the requirements of this section.

§ 115-11 Suspension or revocation of permit.

A. The Issuing Officer may suspend or revoke a filming permit for any of the following:

(1) The violation of any condition of the permit;

(2) Conduct detrimental to the health, safety, or welfare of the public; or

(3) The violation of any law, rule, or regulation of the United States, the State of New York, or the Village, or any department or agency thereof.

B. A suspension or revocation may be appealed to the Board of Trustees, whose decision shall be final.

C. Upon suspension or revocation, the permit fee shall be forfeited and shall not be refunded. Any refundable deposit shall be handled under § 115-5C.

§ 115-12 Penalties for offenses.

A. A violation of any provision of this chapter shall constitute an offense.

B. A person convicted of such a violation shall be punished as follows:

(1) for a first offense, by a fine of not more than $2,000;

(2) for a second offense, both of which were committed within a period of five years, by a

fine of not less than $2,000 nor more than $5,000; and

(3) for a third or subsequent offense, all of which were committed within a period of five years, by a fine of not less than $5,000 nor more than $10,000.

C. Each day on which a violation occurs or continues may be deemed a separate offense.

D. The penalties provided in this section shall be in addition to, and not in lieu of, any other remedy available to the Village, including the suspension or revocation of a permit under § 115-11, the forfeiture of fees and deposits, and injunctive relief to restrain a violation of this chapter.

Section 3. Severability. If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

A Local Law to amend Chapter 115 (Filming) of the Code of the Village of Atlantic Beach (Continued)

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State, as provided by the Municipal Home Rule Law.
MOTION TO ADOPT LOCAL LAW 6-2026

Motion by:	Deputy Mayor Pierantoni
Seconded by:	Trustee Garczynski
Ayes:	Mayor Frohlinger, Deputy Mayor Pierantoni Trustees Heller, Garczynski, Bass

Deputy Mayor Pierantoni presented the following:

Resolution Adopting a Filming Permit Fee Schedule and Designating the Issuing Officer under Chapter 115 (Filming) of the Village Code

WHEREAS, the Board of Trustees has adopted the local law amending Chapter 115 (Filming) of the Code of the Village of Atlantic Beach prior to this resolution; and

WHEREAS, § 115-5 of that chapter authorizes the Board of Trustees to establish, and from time to time amend, filming permit fees, deposits, and related charges by resolution; and

WHEREAS, § 115-2 of that chapter provides that the Issuing Officer shall be the Village Clerk, or such other Village official as the Board of Trustees may designate by resolution; and

WHEREAS, the Board wishes to adopt a fee schedule and to provide for the designation of the Issuing Officer who will administer Chapter 115;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Incorporated Village of Atlantic Beach as follows:

1. Fee schedule adopted.

The following schedule of fees, charges, and deposits is hereby adopted for filming permits issued under Chapter 115, and shall remain in effect until amended by further resolution of the Board:

Fee or charge	Amount
Filming on private property only (no use of Village beach, boardwalk, streets, or parking) — crew of 15 or fewer	$500 per day
Filming on private property only — crew of 16 to 45	$750 per day
Filming on private property only — crew of 46 or more	$1,000 per day
Filming using Village property — crew of 15 or fewer	$1,000 per day
Filming using Village property — crew of 16 to 45	$1,500 per day
Filming using Village property — crew of 46 or more	$2,500 per day
Off-hours premium (filming before 8:00 a.m. or after 8:00 p.m., or before 9:00 a.m. on weekends/holidays, where authorized)	$1,000 per day, on Village or private property
Expedited review (application filed fewer than 5 business days before filming)	$250
Refundable security and cleanup deposit (required only when Village property is used)	$1,000 (crew of 15 or fewer); $1,750 (crew of 16 to 45); $2,500 (crew of 46 or more) — refunded less any damage, cleanup, or Village-service costs
Incidental Village services (Police, DPW, other personnel or equipment)	Actual cost, billed after the filming (§ 115-5B)
Charitable, educational, public-service, or nonprofit filming	Fees may be reduced or waived (§ 115-6)

The applicable daily fee is determined by whether Village property is used and by the largest crew present on any day, and applies to each day of filming. A production pays one daily fee, plus any applicable off-hours premium, expedited-review fee, and incidental Village service charges. A nonrefundable application fee of $250 shall be paid upon submission of the application and shall be credited against the applicable daily fee. The balance of all fees, and any required deposit, shall be paid upon issuance of the permit and before filming commences. Charges for incidental Village services are billed after the filming.

2. Deposits.

A refundable security and cleanup deposit is required only where the filming uses Village property. The deposit shall be returned to the applicant within thirty (30) days after the last day of permitted filming, less the cost of any damage to Village property, any cleanup performed by the Village, and any incidental Village services chargeable to the applicant under § 115-5. Where any amount is deducted, the Village shall furnish the applicant with a written itemization identifying each deduction and the amount of it.

3. Designation of the Issuing Officer.

A. Pursuant to § 115-2, the Village Clerk shall serve as the Issuing Officer under Chapter 115 unless and until the Board of Trustees designates a different Village official under Subsection B.

B. The Board of Trustees may, by subsequent resolution, designate a different Village official to serve as the Issuing Officer, and may by resolution modify or rescind any such designation. Any such designation shall remain in effect until modified, rescinded, or superseded by the Board.

C. The Issuing Officer shall administer Chapter 115 in accordance with its terms, including the reservation of discretionary matters to the Board of Trustees under § 115-7.

4. Reduction or waiver of fees.

A. Pursuant to § 115-6, the Issuing Officer may reduce or waive fees where doing so serves a public purpose or reflects the limited Village impact of the filming, and only where the filming is: (1) for a charitable, educational, public-service, or nonprofit purpose; or (2) a low-impact production with a crew of 15 or fewer that makes no use of Village property beyond incidental.

B. The Issuing Officer may reduce or waive any fee in full under this section, without further approval of the Board of Trustees.

C. No reduction or waiver shall be granted except upon the written request of the applicant setting forth the reason for the request. Every reduction or waiver shall be in writing, shall state the applicable ground, and shall be filed in the permit record.

5. Effective date.

This resolution shall take effect on the effective date of the local law amending Chapter 115 (Filming) adopted prior to this resolution, or immediately upon adoption if that local law is then already in effect.

ADOPTED
Motion by: Trustee Garczynski
Seconded by: Trustee Bass
Ayes: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

At 8:25 PM the Public Hearing for an amendment to the Village code Chapter 250 to consolidate the penalties for zoning offenses was called to order

Motion by: Deputy Mayor Pierantoni
Seconded by: Trustee Garczynski
Ayes: Mayor Frohlinger, Deputy Mayor Pierantoni,
Trustees Heller, Garczynski, Bass

At 8:30 PM Trustee Graczynski made a motion to close the Public Hearing
Seconded by: Trustee Heller
Ayes: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

Negative Declaration Pursuant to
New York State Environmental Quality Review Act

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of a proposed local law **2026-7** amending **Chapter 250** of the Code of the Village of Atlantic Beach, to **consolidate the penalties for zoning offenses and increase the maximum penalties for such offenses**; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of proposed **local law 2026-7** as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

the proposed adoption of **proposed Local Law 2026-7** is an Unlisted Action under SEQRA;

the Board has considered the listed criteria set forth in 6 NYCRR Part 617.7(c), including the reasonably

related long-term, short-term, direct, indirect and cumulative impacts on the environment and the potential significance of a likely consequence on account of the proposed law, and finds that the law would not result in any substantial adverse change or impact on account of each of the items listed in Part 617.7(c),

on account of such finding, the proposed action would not have a significant adverse environmental

impact, and no further environmental review is required with respect to the proposed action

Motion by:	Trustee Garczynski
Seconded by:	Trustee Bass
Ayes:	Mayor Frohlinger, Deputy Mayor Pierantoni, Trustees Heller, Garczynski, Bass

Deputy Mayor Pierantoni presented the following:

A LOCAL LAW amending Chapter 250 (Zoning) of the Code of the Village of Atlantic Beach to consolidate the penalties for zoning offenses and, pursuant to the Municipal Home Rule Law, to supersede Village Law § 20-2006 so as to increase the maximum penalties for such offenses.

BE IT ENACTED by the Board of Trustees of the Incorporated Village of Atlantic Beach as follows:

Section 1. Legislative intent.

The Board of Trustees finds that Chapter 250 presently contains multiple conflicting penalty provisions, and further finds that the maximum penalties available under the default provisions of Village Law § 20-2006 are insufficient to deter violations by owners and operators for whom a modest fine represents merely a cost of continued noncompliance. The purpose of this local law

is to consolidate the penalty provisions of the Chapter into a single controlling section and, pursuant to the home-rule powers of the Village, to supersede Village Law § 20-2006 in its application to the Village so as to authorize enhanced penalties. This local law does not alter the substantive regulations of the Chapter or the conduct prohibited thereunder.

Section 2. Supersession of Village Law § 20-2006.

Pursuant to the Municipal Home Rule Law of the State of New York, Article 2, § 10 (including § 10(1)(ii)(a)(12) and § 10(1)(ii)(e)(3)), and Article IX of the New York State Constitution, the Board of Trustees hereby declares its intent to supersede, and does supersede, Village Law § 20-2006 in its application to the Incorporated Village of Atlantic Beach, to the extent necessary to authorize the penalties prescribed in § 250-124 of the Village Code as amended by this local law. This supersession applies to the Building Zone Ordinance and to all local laws of the Village adopted prior to September 1, 1974, and to all local laws adopted thereafter, including Chapter 250 as adopted April 7, 2003, and all amendments thereto.

A LOCAL LAW amending Chapter 250 (Zoning) of the Code of the Village of Atlantic Beach to consolidate the penalties for zoning offenses and, pursuant to the Municipal Home Rule Law, to supersede Village Law § 20-2006 so as to increase the maximum penalties for such offenses.

(Continued)

Section 3. Repeal of § 250-94.2.

Section 250-94.2 (Penalties for offenses) of the Code of the Village of Atlantic Beach is hereby REPEALED in its entirety. Penalties for violations of Chapter 250 are governed exclusively by § 250-124, except as expressly provided therein.

Section 4. Amendment of § 250-124.

Section 250-124 (Penalties for offenses) is hereby amended to read as follows:

§ 250-124. Penalties for offenses.

A. Authority; controlling section. This section is enacted pursuant to the supersession of

Village Law § 20-2006 set forth in the local law adopting this section. Except as expressly provided in Subsection B, this section governs the penalties for every violation of this chapter, and no other provision of this chapter shall be construed to prescribe a different criminal penalty.

B. Exceptions. This section does not govern, and the following penalties are preserved as prescribed in their respective sections:

(1) Violations of Article XVII (Flood Damage Prevention) shall be penalized as provided in § 250-144. The penalty structure of § 250-144 is maintained as a condition of the Village's continued participation in the National Flood Insurance Program, and nothing in this section shall be construed to alter it.

(2) The civil penalty for transient occupancy imposed by the Building Inspector under § 250-108M(5) is a civil and administrative penalty, is not a criminal penalty under this section, and is imposed in addition to any penalty available under this section.

C. Persons liable. For each and every violation of any provision of this chapter, the following shall be guilty of an offense: the owner, general agent, or contractor of the building or premises where such violation has occurred or continues to exist; the lessee or tenant of an entire building or

entire premises where such violation has occurred or continues to exist; or the owner, general agent, contractor, lessee, or tenant of any part of a building or premises in which such violation has occurred or continues to exist. Additionally, any general agent, architect, builder, contractor, or other person who commits, participates in, assists in, or maintains a building or premises where any violation exists shall also be guilty of an offense.

D. Penalties.

(1) First offense. Upon conviction, a fine of not less than $500 nor more than $1,000, or imprisonment for a term not exceeding fifteen days, or both.

(2) Second offense (committed within five years of the first). Upon conviction, a fine of not less than $1,000 nor more than $2,000, or imprisonment for a term not exceeding fifteen days, or both.

(3) Third or subsequent offense (committed within five years of the prior offenses). Upon conviction, a fine of not less than $2,000 nor more than $5,000, or imprisonment for a term not exceeding fifteen days, or both.

E. Continuing violations. Each day that a violation continues after written notice from the enforcement officer shall constitute a separate and distinct offense, provided that either a superseding accusatory instrument or a separate accusatory instrument is served and filed for each such violation.

F. Trailers and house cars. Upon a second conviction for any violation of provisions regulating the use of private trailers and house cars, the Building Inspector shall immediately rescind any related permit.

A LOCAL LAW amending Chapter 250 (Zoning) of the Code of the Village of Atlantic Beach to consolidate the penalties for zoning offenses and, pursuant to the Municipal Home Rule Law, to supersede Village Law § 20-2006 so as to increase the maximum penalties for such offenses.

(Continued)

Section 5. Amendment of § 250-119I.

Subsection I of § 250-119 (Fences and planting screens) is hereby amended to read as follows:

I. Penalties. Any violation of this section shall be penalized as provided in § 250-124.

Section 6. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this local law is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof. In particular, if the supersession set forth in Section 2 or any enhanced penalty in § 250-124D is held invalid, the penalty shall be deemed reduced to the maximum permitted by Village Law § 20-2006, and the remainder of this local law shall remain in full force and effect.

Section 7. Effective date.

This local law shall take effect immediately upon filing with the Secretary of State in accordance with the Municipal Home Rule Law.

MOTION TO ADOPT LOCAL LAW 7-2026

Motion by:	Deputy Mayor Pierantoni
Seconded by:	Trustee Heller
Ayes:	Mayor Frohlinger, Deputy Mayor Pierantoni Trustees Heller, Garczynski, Bass

At 8:35 PM the Public Hearing was called to order

Motion by:	Deputy Mayor Pierantoni
Seconded by:	Trustee Garczynski
Ayes:	Mayor Frohlinger, Deputy Mayor Pierantoni, Trustees Heller, Garczynski, Bass

PUBLIC HEARING TO AMEND CHAPTER 250, PROPERTIES USED FOR PUBLIC ASSEMBLY PURPOSES INCLUDING EDUCATIONAL AND RELIGIOUS USES

ADJOURN TO THE OCTOBER 19, 2026 MEETING

Motion by:	Trustee Heller
Seconded by:	Trustee Bass
Ayes:	Mayor Frohlinger, Deputy Mayor Pierantoni Trustees Heller, Garczynski, Bass

RESOLUTION ACCEPTING THE CURB CUT STANDARDS REVIEW AND TERMINATING THE MORATORIUM ON NEW CURB CUT APPLICATIONS

WHEREAS, by resolution adopted October 9, 2025, the Board of Trustees imposed a moratorium on new applications for cub cuts to allow a comprehensive review of curb cut approval criteria and their effects on pedestrian safety, streetscape aesthetics and on-street parking availability; and

WHEREAS, Section 2(b) of said resolution provides that the Board may by subsequent resolution terminate the moratorium; and

WHEREAS, the Board has conducted that review, comparing Chapter 100 against the corresponding provisions of twenty-one other Nassau County municipalities, as set forth in the comparison, annexed hereto and filed with the Village Clerk;

RESOLUTION ACCEPTING THE CURB CUT STANDARDS REVIEW AND TERMINATING THE MORATORIUM ON NEW CURB CUT APPLICATIONS (Continued)

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees adopts the following findings
:

- The curb cut widths, setbacks, separation and frontage requirements of Chapter 100 fall within the range prevailing among the municipalities reviewed and are not more restrictive than those of comparable communities. In several respects the Village's standards are the more permissive.
- No amendment to any width, setback, separation or frontage requirement of Chapter 100 is warranted.
- Chapter 100 contains drafting errors, an obsolete cross-reference, an internal inconsistency in how curb cut width is measured, and an inconsistency between the requirements governing connected driveways under ®100-5E and supplemental curb cuts under ®100-SF. These

- impair the administration of the chapter without bearing on its substantive standards and should be addressed by local law.
- The review also identified subjects not addressed by Chapter 10- including drainage, maintenance, contractor insurance, and the protection of trees – which the Board may wish to consider at a future date.

AND BE IT FURTHER RESOLVED, that the review contemplated by the resolution of October 9, 2025 is declared complete, and that this resolution and the annexed comparison shall be filed with the Village Clerk at a future date.

AND BE IT FURTHER RESOLVED, that the moratorium-imposed October 9, 2025 is terminated effective September 14, 2026.

AND BE IT FURTHER RESOLVED, that applications shall be accepted and determined in accordance with Chapter 100 as in effect on the date of application.

ADOPTED
Motion by: Deputy Mayor Pierantoni
Seconded by: Trustee Garczynski
Vote: Ayes: Deputy Mayor Pierantoni, Trustees Heller, Garczynski, Bass

Mayor Frohlinger stated the following "I want to note that I will be abstaining from this vote. I want to be clear that this is not a recusal – I don't believe I have a conflict of interest that would legally require me to step aside. Rather, I'm abstaining out of caution, to avoid any appearance of any conflict. This is out of an abundance of caution and not an acknowledgment of any actual conflict."\

RESOLUTION ADOPTING THE APPROVED TREE LIST FOR THE VILLAGES RIGHT-OF-WAY AND REPLACEMENET OF REMOVED TREES

WHEREAS, §225-3(A) of the Village Code authorized the Board of Trustees to provide for the planting, trimming, protecting, removing and preserving of trees in the streets and other public places of the Village; and

WHERAS, §235-4 requires written permission of the Board of Trustees before any tree is planted or removed within the limits of the public way; and

WHEREAS, the Board finds that a published list of approved trees, and the replacement of trees removed from the public way, will preserve the Village's tree canopy and promote consistent and reasoned decisions on applications; and

WHEREAS, the Village is a low-lying barrier island subject to coastal and stormwater flooding, and trees in the public way intercept rainfall, take up groundwater and stabilize sandy soils, so that the removal of a tree at a given location diminishes flood mitigation at that location, and a newly planted replacement does not restore that function for many years; and

WHEREAS, the Board determines this action to be a Type II action under 6 NYCRR §617.5 requiring no further review under SEQRA, now, therefore, be it

RESOLUTION ADOPTING THE APPROVED TREE LIST FOR THE VILLAGES RIGHT-OF-WAY AND REPLACEMENET OF REMOVED TREES (Continued)

RESOLVED, that the Board of Trustees adopts the following as Village policy:

- Approved Tree List. The list of trees annexed as Exhibit A is adopted as the Village's approved Right-of-Way Tr4ee List.
- Planting. The Board shall apply Exhibit A in acting on applications for permission to plant a tree in the public way under §225-4. Permission of the Board remains required for every planting; listing a tree on Exhibit A is not itself permission to plant it.
- Denial of Removal. The Board may deny permission to remove a healthy tree where

removal would materially reduce stormwater interception, groundwater uptake or soil stabilization at that location. Preservation of an existing tree in place is preferred to its removal and replacement

- Replacement of Removed Tree3s. Permission to remove a tree from the public way shall be granted on the condition that the owner plant a replacement tree, selected from Exhibit A and approved by the Board as to species and location, on or before a date fixed by the Board. The replacement shall be planted at the site of removal. Only where the Board finds the site of removal unsuitable shall it designate an alternate location within the Village right-of-way, giving preference to a location on the same block within the same draining area. Suitability shall be determined on the bases of conditions existing prior to any alteration of the planting area by the owner or a predecessor in title. The Board may waive replacement only upon a written finding, stated in the resolution granting permission, that no suitable location exists anywhere in the Village right-of-way. Cost to the owner is not ground for waiver.
- Form of Permission. The written permission issued under §225-4 shall state the replacement condition, the approved species and location, and the completion date. The Superintendent of Public Works shall deliver the permission to the applicant for signature and shall not release it until a signed copy is returned. No tree shall be removed before the signed permission is issued. The Superintendent shall administer this policy, maintain the permission file, and report non-compliance to the Board.
- Discretion Reserved. The Board may deny a tree listed on Exhibit A where site conditions make it unsuitable, and may approve a tree not listed on Exhibit A upon a written finding that it is suitable for the location. The Board shall not approve a tree listed as a prohibited or regulated invasive species under 6 NYCRR Part 575.
- Planting Conditions. The Board may fix the planting location, spacing, clearance, stock size and any other planting requirement as conditions of each approval granted under § 225-4, based on the conditions at the proposed site.
- Village Plantings. Exhibit A shall govern trees furnished and installed by the Village under §225-3(C).
- Scope. This policy applies to trees only, and only in rights-of-way owned or controlled by the Village. It does not apply to shrubbery, to removals required under §225-5, or to rights-of-way of Nassau County or the State of New York. Nothing herein alters the allocation of maintenance responsibility or liability under the Village Code or by law.
- Amendment and Effect. Exhibit A may be amended by subsequent resolution without public hearing. A copy shall be kept on file with the Village Clerk, posted on the Village website, and furnished by the Superintendent of Public Works to every applicant. This Resolution takes effect immediately.

EXHIBIT A
APPROVED RIGHT-OF-WAY TREE LIST
Class I — Large Shade Trees (over 45')

Common Name	Botanical Name	Mature Ht.	Notes
Swamp White Oak table.	*Quercus bicolor*	50–60'	Tolerates high water
Willow Oak	*Quercus phellos*	50–70'	Fine leaf litter.
Northern Red Oak wide strip.	*Quercus rubra*	60–75'	Fast growth; needs a
Scarlet Oak sandy soil.	*Quercus coccinea*	50–70'	Prefers well-drained
Hackberry and wind tolerance.	*Celtis occidentalis*	40–60'	Very tough; good salt
London Plane Heavy litter.	*latanus × acerifolia*	70–90'	10' strip minimum.
American Sycamore Parks preferred.	*latanus occidentalis*	75–100'	10' strip minimum.

EXHIBIT A
APPROVED RIGHT-OF-WAY TREE LIST Continued)
Class I — Large Shade Trees (over 45')

Common Name	Botanical Name	Mature Ht.	Notes
American Elm cultivars only — Valley Forge,' 'New Harmony,' 'Princeton.' Straight species not permitted.	*Ulmus americana*	60–80'	Disease-resistant
Black Tupelo slow to establish.	*Nyssa sylvatica*	40–50'	Excellent fall color;
American Basswood interior streets only	*Tilia americana*	60–80'	Poor salt tolerance-

Class II — Medium Trees (25'–45')

Common Name	Botanical Name	Mature Ht.	Notes
Red Maple	*Acer rubrum*	40–50'	Seedless cultivars

preferred.

Littleleaf Linden	*Tilia cordata*	40–50'	Poor salt tolerance - interior streets only.
Japanese Black Pine	*Pinus thunbergii*	30–50'	Excellent salt tolerance; monitor for pine wilt
Eastern Red Cedar	*Juniperus virginiana*	30–45'	Evergreen- keep clear of sight triangles.
Pitch Pine	*Pinus rigida*	40–60'	Native barrier-island species.
American Persimmon	*Diospyros virginiana*	35–50'	Fruitless (male) selections only.

Class III — Small and Ornamental Trees (under 25')

Common Name	Botanical Name	Mature Ht.	Notes
Eastern Redbud	*Cercis canadensis*	20–25'	Poor salt tolerance- sheltered sites only.
Serviceberry	A*melanchier spp.*	15–25'	Multi-stem forms need extra clearance.
Kwanzan Cherry	*Prunus serrulata 'Kwanzan'*	20–25'	Short-lived (15–25 yrs); no fruit.
American Holly	*Ilex opaca*	20–30'	Evergreen — keep clear of sight triangles.
Cornelian Cherry	*Cornus mas*	15–25'	Early bloom.
Chokecherry	*Prunus virginiana*	20–30'	Suckers; needs basal pruning.
Cockspur Hawthorn	*Crataegus crus-galli*	20–30'	Thornless variety (var. inermis) required.
Staghorn Sumac	*Rhus typhina*	15–25'	Colonizing — bay-ends and traffic islands only, not sidewalk pits.
Smooth Sumac	*Rhus glabra*	10–15'	Same restriction as Staghorn Sumac.

ADOPTED
Motion by: Trustee Garczynski
Seconded by: Trustee Heller
Ayes: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

RESOLUTION – IN SUPPORT OF H.RES.1188 AND H.CON RES 27 RECOGNIZING

OPEN WATER LIFEGUARDS AS FIRST RESPONDERS

WHEREAS, the Village of Atlantic Beach maintains a guarded ocean beach and employs a professional corps of open water lifeguards to protect the public; and

WHEREAS, Village lifeguards are already present on the beach when emergencies occur and initiate rescue and care before other emergency services can arrive, and are trained and certified in accordance with the standards the Village requires as a condition of employment, including emergency medical response, spinal injury management, and open water rescue; and

WHEREAS, Village lifeguards performed sixteen (16) rescues and assists during the 2024 season, nineteen (19) during the 2025 season, and twenty five (25) during the 2026 season, including a 2025 response in which four (4) Village lifeguards left their assigned station to rescue five (5) distressed swimmers from the water at a private beach club within the Village, and a 2026 response in which

lifeguards assessed a patron with a suspected spinal injury, immobilized the patient on a backboard, and effected a safe extraction from the beach prior to air transport to hospital; and

WHEREAS, on April 20, 2026, Representative Christopher H. Smith introduced H.Res. 1188 in the 119th Congress, expressing support for open water lifeguards as first responders and emergency response providers, and H.Con.Res. 27 contains substantially identical text requiring the concurrence of the United States Senate; and

WHEREAS, these measures rest on the functions lifeguards perform — responding to, attending to, treating, assisting, and transporting victims, and protecting life, property, evidence, and the environment — rather than on the identity of their employer; and

WHEREAS, the Honorable Laura Gillen, Representative for the Fourth Congressional District of New York, became a cosponsor of H.Res. 1188 on July 20, 2026; and

WHEREAS, the States of Hawaii, New Jersey, and California each acted during 2026 to formally recognize professional open water lifeguards as first responders;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Incorporated Village of Atlantic Beach supports H.Res. 1188 and H.Con.Res. 27, and affirms that the open water lifeguards employed by this Village perform the essential functions of first responders and emergency response providers; and

BE IT FURTHER RESOLVED, that this Board thanks Representative Laura Gillen for her cosponsorship and urges her to seek prompt consideration of the measure by the House Committee on Transportation and Infrastructure; and

BE IT FURTHER RESOLVED, that this Board urges Senator Charles E. Schumer and Senator Kirsten E. Gillibrand to introduce or cosponsor companion legislation in the Senate and to support Senate concurrence in H.Con.Res. 27; and

BE IT FURTHER RESOLVED, that the Village Clerk shall transmit certified copies of this Resolution to Representative Laura Gillen, Senator Charles E. Schumer, Senator Kirsten E. Gillibrand, Representative Christopher H. Smith, and the United States Lifesaving Association Mid-Atlantic Region.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately.

ADOPTED

Motion by:	Trustee Bass
Seconded by:	Trustee Heller
Vote:	Mayor Frohlinger, Deputy Mayor Pierantoni
	Trustees Heller, Garczynski, Bass

GOOD AND WELFARE

Residents had various questions and concerns:

- Fireworks – residents should be notified
- Number of groups using beach – non residents
- Watercraft - jet skis on the beach

- Vehicles speeding down Bay Boulevard and not stopping at stop sign

APPROVAL OF BILLS

Bills approved in the amount of $572,470.68

ADOPTED
Motion by: Trustee Garczynski
Seconded by: Trustee Bass
Vote: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

APPROVAL OF MINUTES – August 10, 2026, August 17, 2026

ADOPTED
Motion by: Trustee Garczynski
Seconded by: Deputy Mayor Pierantoni
Vote: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

DATE OF NEXT MEETING - October 19, 2026

ADJOURNMENT – 9:20 PM

Motion by: Trustee Garczynski
Seconded by: Deputy Mayor Pierantoni
Vote: Mayor Frohlinger, Deputy Mayor Pierantoni
Trustees Heller, Garczynski, Bass

Emily Siniscalchi, Village Clerk